

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LATOYA BROWN; LAWRENCE
BLACKMON; HERBERT ANTHONY
GREEN; KHADAFY MANNING;
QUINNETTA MANNING; MARVIN
MCFIELD; NICHOLAS SINGLETON;
STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

v.

MADISON COUNTY, MISSISSIPPI;
SHERIFF RANDALL S. TUCKER, in his
official capacity; and MADISON COUNTY
SHERIFF'S DEPUTIES JOHN DOES #1
through #6, in their individual capacities,

Defendants.

Civil Action No.
3:17-cv-00347-WHB-LRA

**JOINT MOTION FOR
ENTRY OF STIPULATED
SCHEDULING ORDER**

Plaintiffs and Defendants (collectively, the “Parties”) respectfully submit this motion (the “Joint Motion”) for entry of a stipulated scheduling order regarding the briefing schedule for: (1) Defendants’ Motion to Exclude Plaintiffs’ Untimely Designation of New Expert Witness Justin McCrary [ECF No. 316]; (2) Defendants’ Motion to Exclude Plaintiffs’ Untimely Designation of New Expert Witness Patricia Frontiera [ECF No. 318]; and (3) Defendants’ Motion to Exclude Plaintiffs’ Untimely Designation of Robert McNeilly as New Expert Witness [ECF No. 320] (collectively, “Defendants’ July 30 Motions to Exclude”). In support of this Joint Motion, the Parties would show as follows:

1. On February 27, 2018, the Court entered a Stipulated Scheduling Order (the “February 27 Order”) [ECF No. 202], which established March 14, 2018 as the deadline for Plaintiffs to submit any expert reports and/or declarations in support of Plaintiffs’ motion for class certification, and May 8, 2018 as the deadline for Defendants to file their opposition to Plaintiffs’ motion for class certification and to submit any reports and/or declarations in opposition to Plaintiffs’ motion for class certification. The February 27 Order further established that discovery of any expert proffered by Defendants would commence on May 8, 2018 and conclude on July 2, 2018, and that any rebuttal expert reports and/or declarations submitted by Plaintiffs in support of Plaintiffs’ motion for class certification would be due on July 2, 2018.

2. In accordance with the February 27 Order, on March 14, 2018, Plaintiffs filed a Motion for Class Certification [ECF No. 231] and the expert report of Bryan Ricchetti [ECF No. 231-1]. On May 8, 2018, Defendants filed their Response in Opposition to Plaintiffs’ Motion for Class Certification [ECF No. 267], as well as a Daubert Motion and Motion in Limine to Exclude the Report and Testimony of Bryan Ricchetti [ECF No. 270].

3. On July 2, 2018, Plaintiffs filed, *inter alia*, a Reply Memorandum of Law in Further Support of Plaintiffs’ Motion for Class Certification [ECF No. 304]; a Response in Opposition to Defendants’ Daubert Motion and Motion in Limine to Exclude the Testimony of Bryan Ricchetti [ECF No. 302]; and a Motion to Exclude the Report and Testimony of William R. Funderburk [ECF No. 307]. That same day, Plaintiffs also filed, *inter alia*, the Rebuttal Expert Report of Patricia Frontiera [ECF Nos. 302-3, 304-3, and 307-2]; the Rebuttal Expert Report of Justin McCrary [ECF Nos. 302-4 and 304-2]; and the Rebuttal Expert Report of Robert McNeilly [ECF No. 304-4].

4. On July 17, 2018, the Court entered a Text Only Order setting the deadline for Defendants to respond to Plaintiffs' Motion to Exclude the Report and Testimony of William Funderburk as July 30, 2018, and the deadline for Plaintiffs' rebuttal with respect to the same motion as August 17, 2018.

5. On July 23, 2018, Defendants filed a Rebuttal Memorandum in Further Support of their Daubert Motion and Motion in Limine to Exclude the Testimony of Bryan Ricchetti [ECF No. 312]. On July 30, 2018, Defendants filed (i) their Response in Opposition to Plaintiffs' Motion to Exclude the Report and Testimony of William Funderburk [ECF No. 314], and (ii) Defendants' July 30 Motions to Exclude.

6. The Parties have conferred and agree, subject to the Court's approval, that the briefing schedule for Defendants' July 30 Motions to Exclude shall be as follows: (i) Plaintiffs' response to each motion shall be due on **August 20, 2018**, and (ii) Defendants' rebuttal in further support of each motion shall be due on **September 4, 2018**.

7. The Parties now jointly submit that good cause exists for entry of an Order reflecting the foregoing agreement of the Parties. The Parties are contemporaneously submitting an agreed proposed Order to the Court via e-mail, and respectfully request that the Court approve and adopt the proposed Order as an Order of the Court.

8. The Parties reserve all rights, claims, and defenses, both procedural and substantive, with respect to all pending motions and other matters, and this Joint Motion does not constitute a waiver or concession with respect to any such right, claim, or defense.

Dated: August 3, 2018

By: /s/ Joshua Tom
Joshua Tom

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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2018, I caused the foregoing **JOINT MOTION FOR ENTRY OF STIPULATED SCHEDULING ORDER** to be electronically filed with the Clerk of the Court using the CM/ECF system, which has generated and delivered electronic notice of filing to all counsel of record who have consented to electronic service.

/s/ Joshua Tom